

Section 1030 - Possession, Purchase or Delivery of Controlled Substances

1030.01 Definitions. The definitions listed in M.S. 152.01 are hereby incorporated in and made a part of this Section as completely as if set out in full.

1030.02 Controlled Substances. The five schedules of controlled substances listed in M.S. 152.02 are hereby incorporated in and made a part of this Section as completely as if set out in full.

1030.03 Prohibited Acts.

Subd. 1 **Movement of Controlled Substance.** No person shall manufacture, possess, sell, give away, barter, exchange, distribute, or otherwise transfer any controlled substance.

Subd. 2 **Inhaling, Breathing, Drinking of Certain Substances Prohibited.** No person shall inhale, drink, or be or become intoxicated by reason of inhaling, breathing, or drinking any substance commonly known as glue, adhesive, cement, mucilage, dope, solvents, lacquer, drugs, fingernail polish and lacquer, nail polish remover, or thinners for the above named substances, nor any substance containing toluol, hexane, trichlorethylene, acetone, toluene, ethyl acetate, methyl ether ketone, trichloroathane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, or any other substance which contains ketones, aldehydes, organic acetates, ether, chlorinated hydrocarbons, or any other similar ingredient which releases toxic vapors for the purpose of inducing symptoms of intoxication, elation, excitement, confusion, dizziness, paralysis, or irrational behavior, or inducing the balance, coordination or the audio, visual, or mental processes to be changed, distorted or disturbed.

Subd. 3 **Purchase, Sale or Possession Regulated.** No person shall, for the purpose of violating or aiding another to violate any provision of this Section, intentionally possess, buy, sell, transfer possession, or receive possession of any substances containing the substances defined in Subd. 2 of this Subsection.

Subd. 4 **Sales, etc. of Codeine Prohibited; Exception.** No person shall administer dispense, sell, barter, exchange or offer for sale, give away, distribute, deliver, or supply in any manner, or in any manner provide, codeine or any of its salts to any person except pursuant to a lawful prescription issued by a practitioner duly licensed under the laws of the State.

Subd. 5 **Purchase and Possession Prohibited; Exception.** No person shall purchase or have in the person's possession, codeine or any of its salts, except pursuant to a lawful prescription issued by a practitioner duly licensed under the laws of the State.

Subd. 6 **Exceptions to Subd. 1.** The provisions of Subd. 1 of this Subsection shall not apply:

- A. To possession by a person for the person's own use and when possession is authorized by law.
- B. To the prescribing, administering, or dispensing of a controlled substance by a pharmacist, physician, doctor of osteopathy licensed to practice medicine, dentist, podiatrist, veterinarian, or other authorized person in the course of the person's professional practice.
- C. To the sale of a controlled substance in the regular course of business to registered wholesalers and manufacturers of controlled substances, registered pharmacies, licensed hospitals or institutions wherein sick and injured persons are cared for or treated, bona fide animal hospitals, or licensed medical doctors.
- D. To possession of a controlled substance in the regular course of business by registered wholesalers and manufacturers of controlled substances, registered pharmacies, licensed hospitals wherein sick and injured persons are cared for or treated, bona fide animal hospitals, or licensed medical doctors.
- E. To possession of a controlled substance by a person in accordance with the terms of a prescription and prescribed treatment of a licensed medical doctor.
- F. To possession of a controlled substance by common carriers or warehouse persons lawfully engaged in transporting or storing such substances in the regular course of business.
- G. To the possession of a controlled substance by police officers or employees while in the performance of official duties requiring such possession.

1030.04 Fraud. No person shall sell or procure, attempt to sell or procure, or possess or have in the person's control a controlled substance by:

- A. Fraud, deceit, misrepresentation or subterfuge; or
- B. The use of a false name or address; or
- C. Forgery or alteration of a prescription; or
- D. Giving false credit; or
- E. Making, issuing, or uttering any false or forged prescription; or
- F. Falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, pharmacist, physician, doctor of osteopathy licensed to practice medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance.

1030.05 Confiscation and Disposition of Prohibited Drugs. Any controlled substance found in the possession of any person convicted of a violation of this Section shall be confiscated and shall be forfeited to the City which shall make proper and timely disposition thereof by destroying said controlled substance.

1030.06 Use of Original Containers and Labels Required. All patients having possession of any controlled substance by lawful prescription of a licensed medical doctor, while such controlled substances are lawfully in such person's possession, shall keep such controlled substances in the original container in which they were delivered until used in accordance with such prescription, and shall not remove the pharmacist's original label identifying the prescription from such original container.

History: Ord 1014 adopted 8-10-88; Ord 1011 repealed 8-10-88

Reference: M.S. 152.01, 152.02